

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY NORTHERN REGIONAL OFFICE

Matthew J. Strickler
Secretary of Natural Resources

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David K. Paylor
Director

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Regional Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO LEISURE CAPITAL CORPORATION FOR THE SHENANDOAH CROSSING SEWAGE TREATMENT PLANT VPDES Permit No. VA0076678

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15, between the State Water Control Board and Leisure Capital Corporation, regarding the Shenandoah Crossing Sewage Treatment Plant, for the purpose of resolving certain violations of the State Water Control Law and the applicable permit and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "305(b) report" means the report required by Section 305(b) of the Clean Water Act (33 United States Code § 1315(b)), and Va. Code § 62.1-44.19:5 for providing Congress and the public an accurate and comprehensive assessment of the quality of State surface waters.

2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and 62.1-44.7.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
5. "Discharge" means discharge of a pollutant. 9 VAC 25-31-10
6. "Discharge of a pollutant" when used with reference to the requirements of the VPDES permit program means:
 - (a) Any addition of any pollutant or combination of pollutants to surface waters from any point source; or
 - (b) Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.
7. "DMR" means Discharge Monitoring Report.
8. "Effluent" means wastewater – treated or untreated – that flows out of a treatment plant, sewer, or industrial outfall.
9. "Facility" or "Plant" means the Shenandoah Crossing Sewage Treatment Plant located at 174 Horseshoe Circle in Gordonsville, Virginia, which treats and discharges treated sewage and other municipal wastes, for the Shenandoah Crossing Resort.
10. "Leisure Capital" means Leisure Capital Corporation, a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Leisure Capital Corporation is a "person" within the meaning of Va. Code § 62.1-44.3.
11. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
12. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
13. "O&M" means operations and maintenance.
14. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the State Water Control Law.

15. "Permit" means VPDES Permit No. VA0076678 which was re-issued under the State Water Control Law and the Regulation to Leisure Capital Corporation on July 1, 2019, and expires on June 30, 2024.
16. "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 USC § 2011 *et seq.*)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water... 9 VAC 25-31-10.
17. "Pollution" means such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare or to the health of animals, fish, or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the Board, are "pollution." Va. Code § 62.1-44.3.
18. "Regulation" means the VPDES Permit Regulation, 9 VAC 25-31-10 *et seq.*
19. "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 *et seq.*) of Title 62.1 of the Va. Code.
20. "State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands. Va. Code § 62.1-44.3.
21. "Va. Code" means the Code of Virginia (1950), as amended.
22. "VAC" means the Virginia Administrative Code.
23. "VPDES" means Virginia Pollutant Discharge Elimination System.
24. "Warning Letter" or "WL" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.

SECTION C: Findings of Fact and Conclusions of Law

1. Leisure Capital owns and operates the Plant. The Permit allows Leisure Capital to discharge treated sewage and other municipal wastes from the Plant, to Lickinghole Creek in strict compliance with the terms and conditions of the Permit.
2. Lickinghole Creek, which is in the York River Basin, has neither been monitored nor assessed. A DEQ monitoring station is located approximately 0.65 mile downstream from Outfall 001 on a segment of South Anna River that has been assessed and is located approximately 0.54 mile downstream from Outfall 001. The following is the water quality summary for this segment of the South Anna River, as taken from the DRAFT 2020 Integrated Report: The aquatic life, recreation, wildlife, and fish consumption uses are considered fully supporting. The benthic macroinvertebrate bioassessment for the segment of the South Anna River that is downstream from this Facility was considered supporting the aquatic life use in the DRAFT 2020 Integrated Report based on 2013 sampling. At a station approximately four miles downstream from this Facility, benthic macroinvertebrate bioassessment based on 2016 and 2017 sampling noted an impairment, and the segment of the South Anna River starting approximately 1.4 miles downstream from this Facility is categorized as impaired for the aquatic life use. The segment of the South Anna River that is downstream from this Facility was considered supporting the recreation use in the DRAFT 2020 Integrated Report; however, this water was previously impaired for fecal coliform bacteria. The Pamunkey River bacteria TMDL for the South Anna River watershed includes a WLA. The public comment period for the DRAFT 2020 Integrated Report has been completed and the report is being prepared for submittal to EPA for final approval.
3. On March 3, 2020, DEQ issued Warning Letter (WL) W2020-02-N-1010 to Leisure Capital for failing to submit a total recoverable copper compliance plan to DEQ within the permitted time frame (by December 28, 2019), as well as for failing to submit an annual report detailing progress on the plan by February 10, 2020.
4. Part I.C.1.a and b states that 1. The permittee shall achieve compliance with the final limits specified in Part I.A.2 of this permit in accordance with the following schedule:
Action. a. Submit plan and schedule achieving compliance with the final limits for total recoverable copper specified in Part I.A.2. Date to be complete. Within 180 days after the effective date of the permit (December 28, 2019). Action b. Prepare an annual report of progress on attainment of final copper limit. Date to be Complete. First Annual Report due February 10, 2020.
5. In submitting its DMRs, as required by the Permit, Leisure Capital has indicated that it violated discharge limitations contained in Part I.A. of the Permit, as noted in the Table below:

Parameter	Monitoring Period	Reported Results	Permit Requirement
<i>E. Coli</i> (geomean) (n/100mL)	February 2020	>41	126
Chlorine, Total Contact Concentration Minimum- Number of Allowable Excursions	February 2020	15	9
Chlorine, Total Contact Concentration Minimum (mg/L)	February 2020	0.04	1.0
Chlorine, Total Contact Instantaneous Technical minimum Limit, Concentration Minimum (mg/L)	February 2020	0.04	0.6
Total Recoverable Copper Concentration Average (ug/L)	March 2020	17.1	11
Total Recoverable Copper Concentration Maximum (ug/L)	March 2020	17.1	11
Chlorine, Total Contact Instantaneous Technical minimum Limit, Concentration Minimum (mg/L)	March 2020	0.19	0.6

6. The March 2020 DMR reported a geomean value of >6 n/100mL for *E. Coli*. The > symbol indicates that not enough dilutions were set up to accommodate sample strength for at least one sample during the monitoring period.
7. Part I.A.1 of the Permit contains Permit effluent limitations.
8. On February 19, 2020, DEQ staff conducted an inspection of the Facility. Findings from this inspection were documented in an inspection report dated March 27, 2020. During the inspection DEQ staff observed the following issues which indicate improper operation and maintenance at the Facility: 1) Access by wooden staircases, leading to the bar screen/equalization basin and digester were unsafe for operations staff; 2) Rags, plastics, and debris were observed in the equalization basin, aeration basin, clarifier and sand filters downstream of the equalization basin; 3) The spare blower was used on February 18, 2020, and there were no spare blowers or mixers; 4) The biomass in the two treatment trains was darker brown with slimy tan bubbles indicative of old sludge; 5) Operations staff said the rags in the biomass constantly clog the pumps which causes the pumps to malfunction; 6) Operations staff said that some of the diffuser lines were broken in the aeration basin and in need of repair; 7) Both the "new side" and "old side"

clarifiers had bulking sludge, pinfloc flowing over the effluent weirs, plastics floating on the surface, and dried solids, plants, and plastics in the influent troughs; 8) The integrity of the clarifier influent troughs appeared to be compromised; 9) There were eight feet of solids and one foot of cloudy light brown supernatant in the "old side" clarifier; 10) Solids were observed along the side of and on the ground at the "old side" clarifier tank and there was a pile of rags next to the solids on the ground along the "old side" of the clarifier; 11) The integrity of the wood railing and walkway between the two treatment trains at the sand filter was in need of maintenance; 12) The sand filters had not been maintained since 2006; 13) Operations staff obtained a quote to fix the sand filters in September 2018 and June 2019 and did not repair as of February 19, 2020; 14) There was a septic smell coming from the "new side" of the sand filter when the sand filter was turned on; 15) The "new side" sand filter was leaking from the wet well; 16) DEQ staff observed settled solids at the wet well of the "new side" sand filter; 17) The solenoid valve is not working causing the backwashing process to not function properly on the "old side" of the sand filter; 18) Water was splashing over the side of the "new side" chlorine disinfection unit; 19) Approximately one foot of solids were observed in the bottom of the chlorine contact tank on the "old side" chlorine disinfection unit; 20) The total recoverable chlorine in the chlorine contact tank on the "new side" was 0.67 mg/L; 21) The total recoverable chlorine in the chlorine contact tank on the "old side" was 0.01 mg/L; 22) The effluent from the "old side" was tea colored; 23) There was light brown foam in the junction box; 24) The supernatant was green in the aerobic digester; 25) Operations staff said they were unable to waste solids from the clarifiers because there was no room in this treatment unit; 25) The treatment trains were rusty and in need of maintenance; 26) There were burrowing animal holes in the ground next to the treatment trains; 27) The fencing was not intact around the treatment facility; and 28) The final effluent flow meter was last calibrated in February 2018.

9. Permit Part II.Q states that the permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.
10. During the inspection, DEQ staff also observed the following:
 - a. The alarm systems on the sand filters were not operational and there was only a visual alarm system for the equalization basin.
 - b. Pump and haul septic removal company invoice records were not available for 2018, 2019, and 2020.
 - c. The annual cross connection control device verification for 2019 was not available.
 - d. The O&M Manual was not up to date.
 - e. Partially treated wastewater was bypassing the sand filter and chlorine

disinfection on the "old side" of the treatment train while DEQ staff was onsite. Based on information received from the Facility operator, the bypass had been occurring since July 2019. DEQ did not receive notification of the bypass.

- f. The composite sample was not flow proportional.
- g. An *E.coli* sample was not collected during the last full week of the February 2020 monitoring period.

11. 9 VAC 25-790-490 states that an audiovisual alarm system to monitor the condition of equipment whose failure could result in a bypass or a violation of effluent limitations shall be provided for all treatment works. Alarms shall also be provided to monitor conditions which could result in damage to vital components...2. Treatment works not continuously manned shall have, in addition to local audiovisual alarm, provisions for transmitting an audible alarm to a central location where personnel competent to receive the alarm and initiate corrective action are available 24 hours per day or during the period of time that the treatment works receives influent flow. 3. The following requirements apply to all treatment works: a. The on-site alarm system should be designed in such a manner that each announced condition is uniquely identified. b. A back up power supply such as a battery pack with an automatic switchover feature, shall be provided for the alarm system (such that a failure of the primary power source would not disable the alarm system), unless an adequate alternate or backup power source is provided. c. Test circuits shall be provided to enable the alarm system to be tested and verified to be working properly.
12. Part II.D of the Permit states that the permittee shall furnish the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from this discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.
13. Part I.A.4-HC states that a flow proportional composite sample collected manually or automatically, and discretely or continuously, for the entire discharge of the monitored 8-hour period. Where discrete sampling is employed, the permittee shall collect a minimum of eight (8) aliquots for compositing. Discrete sampling may be flow proportioned either by varying the time interval between each aliquot or the volume of each aliquot. Time composite samples consisting of a minimum of eight (8) grab samples obtained at hourly or smaller intervals may be collected where the permittee demonstrates that the discharge flow rate (gallons per minute) does not vary by 10% or more during the monitored discharge.
14. Part II.I of the Permit states that the permittee shall report any noncompliance which may adversely affect state waters or may endanger public health. 1. An oral report shall be

provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph: a. Any unanticipated bypass; and b. Any upset which causes a discharge to surface waters. 2. A written report shall be submitted within 5 days and shall contain: a. A description of the noncompliance and its cause; b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II.I. if the oral report has been received within 24 hours and no adverse impact on state waters has been reported. 3. The permittee shall report all instances of noncompliance not reported under Parts II, I.1. or I.2., in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II.I.2.

15. Part II.U of the Permit states that 1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II, U.2. and U.3. 2. Notice a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass. b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II.I. 3. Prohibition of bypass. a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless: 1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; 2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and 3) The permittee submitted notices as required under Part II.U.2. b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II.U.3.a.
16. As a result of the DEQ inspection, and data reported on the DMR for the February monitoring period, DEQ issued NOV No. W2020-03-N-0007 to Leisure Capital on April 1, 2020. The NOV was subsequently revised on April 14, 2020.
17. On May 19, 2020, DEQ issued NOV No. W2020-05-N-0004 to Leisure Capital for the violations reported on the March 2020 DMR as well as for failing to submit the total recoverable copper compliance plan and schedule by December 28, 2019 and the annual progress report by February 10, 2020. DEQ subsequently issued NOV No. W2020-06-N-0004 on June 15, 2020 and NOV No. W2020-07-N-0002 on July 17, 2020 to Leisure Capital Corporation for failing to submit the copper plan and schedule by December 28, 2019, and the annual progress report by February 10, 2020.

18. Va. Code § 62.1-44.5 states that: “[E]xcept in compliance with a certificate issued by the Board, it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances.”
19. The Regulation, at 9 VAC 25-31-50, also states that except in compliance with a VPDES permit, or another permit issued by the Board, it is unlawful to discharge into state waters sewage, industrial wastes or other wastes.
20. Part II.F of the Permit states that “except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to: 1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or 2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.”
21. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a “certificate” under the statute.
22. The Department has issued no permits or certificates to Leisure Capital Corporation other than VPDES Permit No. VA0076678.
23. Lickinghole Creek is a surface water located wholly within the Commonwealth and is a “state water” under State Water Control Law.
24. Based on non-submittal of the Total Recoverable Copper compliance plan and schedule and annual progress report, information contained in Discharge Monitoring Reports submitted by Leisure Capital for the February and March 2020 monitoring periods, and observations made by DEQ staff during the inspection of the Facility conducted on February 19, 2020, the Board concludes that Leisure Capital has violated Part I.A.1, Part I.A.4-HC, Part I.C.1.a and b, Part II.Q, Part II.F, Part II.D, Part II.I, and Part II.U of the Permit, Va. Code § 62.1-44.5, and 9 VAC 25-31-60, and 9 VAC 25-790-490 by discharging treated sewage and municipal wastes from the Plant while concurrently failing to comply with the conditions of the Permit, as described in paragraph C(3) through C(23) above.
25. On May 16, 2020, DEQ received a response to the April 1, 2020, NOV. Updates regarding corrective action were later received on August 4, 2020, and September 9, 2020. DEQ had a conference call with representatives from Leisure Capital Corporation and Shenandoah Crossing on July 31 and September 9, 2020, to discuss the Notice of Violation, corrective action status and the enforcement process.
26. In order for Leisure Capital to complete its return to compliance, DEQ staff and representatives Leisure Capital have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Board orders Leisure Capital Corporation and the Leisure Capital Corporation agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of \$41,468.00 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Leisure Capital Corporation shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, the Leisure Capital Corporation shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Leisure Capital Corporation for good cause shown by Leisure Capital Corporation or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Leisure Capital Corporation admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.

4. Leisure Capital Corporation consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Leisure Capital Corporation declares it has received fair and due process under the Administrative Process Act and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by the Leisure Capital Corporation to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Leisure Capital Corporation shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Leisure Capital Corporation shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Leisure Capital Corporation shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Leisure Capital Corporation. Nevertheless, Leisure Capital Corporation agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Leisure Capital Corporation has completed all of the requirements of the Order;
 - b. Leisure Capital Corporation petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. The Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Leisure Capital Corporation.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Leisure Capital Corporation from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Leisure Capital Corporation and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of Leisure Capital Corporation certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Leisure Capital Corporation to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Leisure Capital Corporation.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, Leisure Capital Corporation voluntarily agrees to the issuance of this Order.

Consent Order

Leisure Capital Corporation-Shenandoah Crossing Sewage Treatment Plant: VPDES Permit No. VA0076678

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And it is so ORDERED this 30th day of June, 2021.

A handwritten signature in blue ink, appearing to read "Thomas A. Faha", is written over a horizontal line.

Thomas A. Faha Northern Regional Director
Department of Environmental Quality

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Consent Order

Leisure Capital Corporation-Shenandoah Crossing Sewage Treatment Plant; VPDES Permit No. VA0076678

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Leisure Capital Corporation voluntarily agrees to the issuance of this Order.

Date: 3/19/2021 By: LeeAnn Willard, Assistant Vice President
(Person) (Title)

~~Commonwealth of Virginia~~ State of Florida
City/County of Broward

The foregoing document was signed and acknowledged before me this 19th day of March, 2021, by LeeAnn Willard who is Assistant Vice President of Leisure Capital Corporation, on behalf of the Corporation.

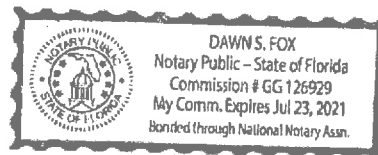
Dawn S. Fox
Notary Public

GG 126929

Registration No.

My commission expires: July 23, 2021

Notary seal:



APPENDIX A SCHEDULE OF COMPLIANCE

Leisure Capital Corporation shall:

1. Total Recoverable Copper Plan and Schedule

- a. Implement the total recoverable copper plan and schedule submitted to DEQ on September 30, 2020, pursuant to Permit Condition Part I.C.1.a. Said plan and schedule shall become enforceable under this Order. Leisure Capital Corporation shall also submit annual progress reports as required by Permit Condition Part I.C.1.b.

2. O&M Manual

- a. Submit an updated O&M Manual to DEQ for review and comment by March 1, 2021.

3. DEQ Contact

Unless otherwise specified in this Order, Leisure Capital Corporation shall submit all requirements of Appendix A of this Order to:

**Attention Enforcement
VADEQ- Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193**

